

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JAMES FRANCIS CISEK,

Plaintiff,

-against-

MS. KAARA ETTESVOLD AND
MS. SHERRIE MARAFINO,

Defendants.
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FEUERSTEIN, District Judge:

ORDER

13-CV-3681 (SJF)(ARL)

FILED

IN CLERK'S OFFICE
U S DISTRICT COURT E D N Y

★ OCT 01 2013 ★

LONG ISLAND OFFICE

On June 28, 2013, *pro se* plaintiff James Francis Cisek ("plaintiff") filed an employment discrimination complaint in this Court against defendants Ms. Kaara Ettesvold and Ms. Sherrie Marafino ("defendants") pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, *et. seq.*, and summonses were issued as to those defendants. Rule 4(m) of the Federal Rules of Civil Procedure provides, in relevant part:

If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Accordingly, if service is not made upon defendants by **October 28, 2013** (October 26, 2013 being a Saturday), or plaintiff fails to show good cause why such service has not been effected, this action will be dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. **Plaintiff is to serve a copy of this Order upon defendants together with the summons and complaint.**

Plaintiff is advised: (1) that since he is proceeding *pro se*, he has a duty to inform the Court and defendants of any change of address, see, e.g. Hayes v. Shield, No. 11 Civ. 3714, 2012 WL 3114843, at * 1 (S.D.N.Y. July 5, 2012), report and recommendation adopted by 2012 WL

3115798 (S.D.N.Y. Aug. 1, 2012); Ackridge v. Martinez, No. 09 Civ. 10400, 2011 WL 5865265, at * 3 (S.D.N.Y. Nov. 22, 2011); Alomar v. Recard, No. 07-CV-5654, 2010 WL 451047, at * 2 (S.D.N.Y. Feb. 9, 2010); and (2) that if he fails to notify the Court of any change of address, the Court may dismiss his complaint. See, e.g. Bernard v. Romen, No. 11 cv 6346, 2012 WL 6594622, at * 2 (E.D.N.Y. Oct. 15, 2012), report and recommendation adopted by 2012 WL 6594525 (E.D.N.Y. Dec. 18, 2012).

SO ORDERED.

s/ Sandra J. Feuerstein

SANDRA J. FEUERSTEIN
United States District Judge

Dated: October 1, 2013
Central Islip, New York